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C O N F I D E N T I A L SECTION 01 OF 02 NOUAKCHOTT 000054

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TAGS: [PTER](#) [PREL](#) [PGOV](#) [KDEM](#) [MR](#)
SUBJECT: MEETING WITH NEW COUNTER-TERRORISM JUDGE

REF: 08 NOUAKCHOTT 113

Classified By: Charge Dennis Hankins for reasons 1.4 (b and d)

¶1. (C) Summary: PolOff met on January 21 with new counter-terrorism investigating judge Mohamed Bouya Ould Nahi. This new position, created following the adoption of the new counter-terrorism law, focuses on conducting investigations to determine whether there is legal foundation to warrant prosecution of terrorist cases. The law also created a specialized prosecutor position and gave jurisdiction of all terrorist cases to the Nouakchott district. Nahi, who just started working after being in administrative leave for two years following the escape of a terrorist he was questioning, voiced concerns about the ongoing dialogue between imams and suspected terrorists as premature and coming too soon after the adoption of the new counter-terrorism law. He fears this dialogue, which is supposed to be solely theological, may hide a political agenda. End summary.

¶2. (C) Nahi told PolOff that his position had been created after the adoption of the new counter-terrorism law passed on January 6, which replaces the 2005/045 July 26, 2005, law regarding the fight against terrorism. Nahi is a "juge d'instruction" or investigating judge, who conducts in-depth questioning of terrorist suspects to determine whether there is legal foundation to warrant prosecution of the case. He said the new law also calls for the creation of two assistant judges for his office as well as the creation of a prosecutor specialized in terrorism. The office of the prosecutor is not yet in existence. Nahi candidly volunteered that in 2008 he worked as ad-hoc judge on the investigation of the Aleg murders but was put on administrative leave after one of the suspects he was questioning escaped from the courthouse. This position is the first he holds in the past two years. Note: The suspect in question is Sidi Ould Sidina, who was arrested in Guinea Bissau on January 11, 2008 and was subsequently extradited to Mauritania. Assisted by his brother, Sidina escaped on June 18, 2008 during questioning at the central court. The escape sparked a massive manhunt and led to the death of several police in a failed raid on an AQIM safehouse in Nouakchott. Ould Sidina was later re-arrested on April 30, 2008 in Nouakchott and is currently awaiting trial. End note.

¶3. (C) When asked to compare the new law and the previous one, Nahi responded that he had not yet studied the new law in detail. Nevertheless, he felt that the new law was an improvement in that it creates a specialized counter-terrorism judge and prosecutor; gives sole jurisdiction of terrorism cases to the Nouakchott circuit; calls for protection measures for judges and law enforcement officers involved in the fight against terrorism; provides for harshest sentences; and allows for wire taps. Comment: Nahi had to quickly skim the text of the law printed in official newspaper Horizons in order to answer PolOff's question. End comment.

¶4. (C) PolOff asked Nahi for his opinion on the dialogue

between the imams and the 67 imprisoned Salafists that started on January 18, barely one week after the end of the Islam and Extremism Symposium which recommended the dialogue.

At first, Nahi cautiously responded that dialogue was a good thing and that social peace could only be achieved if jihadists repented. Nevertheless, after being pressed further by PolOff, he said in confidence that he was appalled at the bad timing of the dialogue. "The government just passed a stringent law on terrorism and instead of letting justice follow its course and put the new law to the test, they choose to dialogue with the jihadists he stated. "The government is giving them too much importance by agreeing to a televised dialogue. Imagine the spectacle of seeing those men expressing their complaints while wearing t-shirts with bombs, and defending their violent acts on national TV. It sends the message that these people are powerful enough to sit at a negotiation table and impose conditions." Comment: The imprisoned Salafists have been successful at maintaining a high profile in local news. They have granted interviews to reporters and used the media to denounce their imprisonment conditions and to file complaints about their treatment. For the dialogue with imams, the terrorists requested that press be present at all times. Images of terrorist El Khadime Ould Semane (reftel), mastermind of the attack against the Israeli Embassy, showing a white Al Qaeda t-shirt with a grenade have deeply impacted the Mauritanian public. End comment.

15. (C) When asked when would have been the right timing for a dialogue, Nahi said that after trying these individuals the government could have created an appropriate legal and institutional framework for dialogue that could have included

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sentence reduction options in exchange for renouncing jihadism Nahi does not trust that it will be enough for these men to renounce violence. "Some of them are dangerous criminals and have committed heinous crimes," he stated. "They could say they renounce violence but there are no guarantees." Nahi intimated he was suspicious of this dialogue initiative as it was improvised and unfolding all too quickly. "My gut feeling tells me there is some hidden political agenda here," he stated. PolOff asked him what he thought the agenda could be and he responded "maybe they are trying to appease AQIM." When asked whether he thought some terrorists would be granted freedom following the negotiations he responded, "I do not know anything about politics; all I know is the law." Comment: There have been unsubstantiated rumors that this dialogue may be promoted by the Italians and the Spanish in the hope that negotiating better conditions for AQIM detainees could lead to the release of their hostages. On January 20, PolOff met with imam Hamden Ould Tah, who is participating in the dialogue and Tah gloated that 90 percent of the Salafists were ready to repent and that the imams would have good news to announce in the coming days. He said Mauritania would become the first country to solve the terrorist problem through religious dialogue and peaceful means. End comment.

16. (C) Comment: Judge Nahi was quick to accept our request to discuss his new position at the head of the newly established anti-terrorist court. His frank discussion of the new law and his openness in discussing the potential pitfalls in the government's dialogue with detained jihadists suggests a good future partner for Mission efforts to reinforce the judicial and police aspects of Mauritania's counter-terrorism capabilities. Charge has requested meetings with the Minister of Islamic Affairs and the Secretary General of the Ministry of Interior to gain a better understanding of the government's objectives in the new dialogue with detained salafists. We note that the detainees' spokespeople have included some of the most notorious of terrorists including those involved in the killing of an American citizen in 2009 and the killing of French tourists in late 2007. We understand that the goal of the Government's dialogue is to deal with detainees who have

not been directly involved in terrorist acts; however, we will want to be sure that those guilty of actual terrorist acts not be quickly pardoned. End comment.

HANKINS